

## EXHIBIT 293

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1. IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION  
4  
5

6 IN RE: NATIONAL : HON. DAN A.  
7 PRESCRIPTION OPIATE : POLSTER  
8 LITIGATION :  
9 APPLIES TO ALL CASES : NO.  
10 : 1:17-MD-2804  
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- HIGHLY CONFIDENTIAL -

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November 9, 2018

14  
15 Videotaped deposition of  
16 ERIC CHERVENY, taken pursuant to notice,  
17 was held at the law offices of Reed  
Smith, LLP, 1717 Arch Street,  
18 Philadelphia, Pennsylvania, beginning at  
19 9:50 a.m., on the above date, before  
20 Michelle L. Gray, a Registered  
Professional Reporter, Certified  
Shorthand Reporter, Certified Realtime  
Reporter, and Notary Public.

21  
22 GOLKOW LITIGATION SERVICES  
23 877.370.3377 ph | 917.591.5672 fax  
24 deps@golkow.com

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1 come, or once a month, whatever, it came  
2 with that regularity and someone would  
3 deliver it to you?

4 MR. NICHOLAS: Object to the  
5 form.

6 Go ahead.

7 THE WITNESS: Yes.

8 BY MR. PIFKO:

9 Q. Okay. And then it was your  
10 job to look at the -- I'm sorry if I  
11 didn't -- if I didn't hear you, the  
12 orders or the customers that were on this  
13 list?

14 A. It was -- it was orders and  
15 it was broken down by customers.

16 Q. Okay. So it was your job to  
17 look at all the orders on this list?

18 A. Yes.

19 Q. And how did you know, did  
20 someone train you about what you were  
21 supposed to look for when you were  
22 looking at this?

23 A. I don't remember  
24 specifically how I was instructed to --

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1 to review the report. I don't remember  
2 how I was instructed.

3 Q. Do you know who would have  
4 given you the instructions?

5 A. I believe Steve would have  
6 done that.

7 Q. Okay. And so tell me what  
8 your recollection of what you were  
9 supposed to look at on this report was.

10 A. So the report contained  
11 sales data for customers. And I believe  
12 it was Oxycodone and hydrocodone  
13 products. If they breached a parameter,  
14 it would trigger this report to be  
15 generated. So I got the report  
16 periodically and it may have been, you  
17 know, I don't remember how much it was,  
18 but I would separate it by customer,  
19 because it would be, I believe  
20 alphabetical or it might have been by DEA  
21 number. But it would basically be, you  
22 know, one customer, then another  
23 customer, and it would just be -- it  
24 would span multiple customers in

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1 grouping. So I would group them in  
2 separate -- in separate files and then I  
3 would conduct the investigation of those  
4 customers.

5 Q. Okay. And then what -- what  
6 things would you do to conduct the  
7 investigation of those customers?

8 A. I had a couple support staff  
9 within the CSRA department that I used to  
10 assist me with this, that I would work  
11 with those individuals to contact the  
12 sales executive, to contact the customer  
13 to inquire as to why they were buying,  
14 you know, that quantity of controlled  
15 substances. We would collect all the  
16 information on the customer. We would  
17 take their responses to our questions and  
18 our follow-up questions, and we would  
19 complete an investigation of each  
20 customer.

21 Q. Would there be some sort of  
22 document that you would create at the  
23 culmination of your investigation?

24 A. Yeah. It would be an

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1 investigation report.

2 Q. Okay. And then would you  
3 save that somewhere?

4 A. Yeah. I believe it was  
5 maintained in Law Track.

6 Q. And then was there a goal of  
7 the investigation that you were trying to  
8 determine something?

9 MR. NICHOLAS: Object to the  
10 form.

11 THE WITNESS: We were trying  
12 to determine if any improprieties  
13 were happening with regard to  
14 those orders. I would -- I would  
15 collect all the information that  
16 I -- that I could from the  
17 customer to explain, you know, the  
18 reasoning as to why they were  
19 buying that quantity of controls,  
20 and I would take the findings and  
21 I would, you know, provide it to  
22 Steve Mays. And what he did with  
23 it, you know, I'm not sure.

24 Because at that point the

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1                   decision -- the decisionmaking  
2                   regarding my investigation that I  
3                   completed was conducted, you know,  
4                   outside of my realm. So I'm not  
5                   sure what the -- what the -- what  
6                   the results of those -- those  
7                   investigations entailed.

8     BY MR. PIFKO:

9                   Q.     Did you make any  
10                  recommendations for actions in the  
11                  report?

12                  A.     You know, it's been so long  
13                  ago, I don't recall.

14                  Q.     Do you recall if one of the  
15                  things that you were evaluating was  
16                  whether to fill the order?

17                  A.     Well, keep in mind this was  
18                  a system that we operated that was  
19                  prior -- prior to the system that held  
20                  orders.

21                  Q.     Okay.

22                  A.     So this was investigations  
23                  that occurred after the shipment was  
24                  already completed.

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1                   Q.     Okay. So it's your  
2 understanding that all these orders and  
3 in the possible suspicious order report  
4 had already been shipped; is that  
5 correct?

6                   A.     Yes. Those were -- those  
7 were orders that have already been  
8 shipped. That's correct.

9                   Q.     Okay. And you would look at  
10 it to evaluate whether there were  
11 concerns, and you would generate a  
12 report, but you didn't make any  
13 recommendations for a course of action  
14 going forward; is that correct?

15                  A.     That's correct.

16                  Q.     You provided that to Steve  
17 Mays, the report?

18                  A.     Yes. I believe I give it  
19 directly to Steve Mays.

20                  Q.     Did you send it by e-mail?

21                  A.     I don't recall. We may have  
22 just put it in the Law Track system and  
23 he retrieved it from there. I don't  
24 recall how I gave it to him.

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1                   obstructing me from getting it out  
2                   of him right now.

3     BY MR. PIFKO:

4                   Q.     Okay. With that said,  
5                   what's the correction that you would like  
6                   to make?

7                   A.     The report that I reviewed,  
8                   the periodic report that I referenced  
9                   earlier, I indicated that it was a  
10                  possible suspicious order report. It's  
11                  actually called the possible excessive  
12                  purchase report.

13                  Q.     Okay.

14                  A.     That's the correction.

15                  Q.     But you remember it being  
16                  called the suspicious order report  
17                  because you were evaluating the  
18                  suspicious natures of the orders; is that  
19                  correct?

20                  MR. NICHOLAS: Object to the  
21                  form.

22                  THE WITNESS: No. We're  
23                  just talking multiple years since  
24                  I reviewed the report. So I just

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1 thresholds. Do you know what a threshold  
2 is?

3 A. Yes, I have a basic  
4 understanding of what a threshold is.

5 Q. Okay. What's your  
6 understanding?

7 A. I don't know exactly what  
8 went into those thresholds. I know it's  
9 a level at which, you know, purchase  
10 activity would draw a flag and hold the  
11 order until it could be investigated.

12 Q. And then it says, "Review at  
13 distribution centers." Is that what it  
14 says?

15 A. Yes.

16 Q. Okay. What does that mean,  
17 do you know what that means?

18 A. I believe that's when the  
19 RPICs were implemented at the DC level.

20 Q. And before that what was the  
21 process?

22 A. Prior to 2007 orders weren't  
23 held when investigation -- or when a  
24 suspicious order was flagged. We would

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1 conduct those investigations after the  
2 fact.

3 Q. And so was there a personnel  
4 change? I believe we -- we talked about  
5 that under the computer ordering system,  
6 there are other reasons for an order to  
7 be flagged like if there was a payment  
8 credit issue -- I forget, there was some  
9 other reason that you said for an order  
10 to be held. So there was already someone  
11 whose job it was to be doing that prior  
12 to 2007; is that correct?

13 MR. NICHOLAS: Object to the  
14 form. Go ahead.

15 THE WITNESS: Yeah. There  
16 were -- there were other hold  
17 codes that did not include the  
18 order monitoring program hold  
19 code. So there was a number of  
20 hold codes that would hold an  
21 order, like licensing, credit and  
22 that kind of thing.

23 BY MR. PIFKO:

24 Q. Okay. And so there was